IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Crl.Rev.Pet.No. 260 of 1999()

CRA.118/1997 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.314/1995 of JDUL.MAGISTRATE OF FIRST CLASS, RAMANKARI
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REVN. PETITIONER:

KURUNNU ALIAS,
SASIDHARAN,
S/O. MADHAVAN, ATHITHARA VEEDU,
KIDANGARA, VELIYANADU VILLAGE.

BY ADV. SRI.B.RAMAN PILLAI
SRI.S.VIJAYAKUMAR
SRI. M.T. SURESH KUMAR

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.P. NO. 1034/1999 IN CRL.R.P. NO. 260/1999

DISMISSED

23.05.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

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CRL. R.P. NO. 260 OF 1999

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Dated this the 23rd day of May 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 294(b) and 506(1) of IPC and sentenced to undergo rigorous imprisonment for two months for the offence under Section 294(b) IPC and rigorous imprisonment for six months for the offence under Section 506(1) IPC. The prosecution case is that the accused/revision petitioner on 12.09.1995 at 7.30 a.m., with the intention of intimidating CW1 abused and threatened her.

2. The evidence adduced in the matter consisted of the testimony of PWs 1 to 5 and Exts. P1 to P3. PW1 is the complainant, PW2 is an eye witness and PW3 is another occurrence witness who turned hostile. I find that the evidence of PWs 1 and 2 stands not discredited as such. The incident had taken place in a path way. In view of the concurrent findings and the evidence adduced, I find no reason to interfere in the findings of the courts below. Hence, the conviction is confirmed.

3. So far as the sentence is concerned, the counsel for the revision petitioner is pleaded for leniency pointing out that the incident has taken place more than 10 years ago and that so far the revision petitioner has been facing the proceedings and living under the shadow of incarceration. In the circumstances I find that the sentence is liable to be modified. The sentence imposed on the accused is modified to pay a fine of Rs.5,000/- for the offence under Section 294(b) IPC and in default to undergo simple imprisonment for three months and also to pay a fine of Rs.5,000/- for the offence under Section 506(1) IPC and in default to undergo simple imprisonment for three months. The revision petitioner is granted two months time from today onwards to remit the fine amount.

The Crl.R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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